

STATE'S POINT UPHELD BUT ACTION IS LOST

Appellate Court Dismisses Murder Charge. Though Right to Appeal is Sustained.

Oklahoma City, Dec. 8.—Although the state did not obtain a reversal of the action of the district court of Kiowa county in discharging the jury and dismissing the case against Frank Frisbie, charged with murder, the criminal court of appeals sustained the right of the state to appeal in such cases, even though jeopardy had attached. This ruling was made in an opinion by Presiding Judge Furman.

J. R. Harris was ordered released upon his petition for a writ of habeas corpus by the criminal court of appeals today in an opinion by Judge Armstrong. He was sentenced to two and one-half years' imprisonment for larceny of domestic animals and sought release through habeas corpus on the grounds that he once before had been placed in jeopardy under the same indictment. The court holds that where a person is tried on a charge of larceny and found guilty by the jury of receiving stolen property, this jury action amounts to acquittal on the larceny charge and the defendant cannot be sentenced for that offense.

In affirming the conviction of Sam and Floyd McKinzie in Blaine county of violation of the liquor laws the court holds that proof of ownership of a place of business to which large quantities of intoxicants have been delivered and received by the owners and that numerous persons have been seen drinking and intoxicated in such place, when accompanied with proof of finding quantities of like intoxicants on the premises, is sufficient to sustain a conviction.

In an opinion by Judge Doyle the court affirmed the conviction of George Odum of assault to do bodily harm, sentenced to one year in the penitentiary and appealed from McIntosh county.

"Mutt & Jeff."

A whirlwind of merriment is sweeping down upon Vinita and will arrive at the Grand next Thursday. There will be great doings. "Mutt and Jeff" with their interesting family of 45 singers, dancers and comedians will hold "high jinks" for an engagement of one night. Of course you've heard about them, everybody has, at least people who read newspapers. Millions of people laugh at Bud Fisher's clever cartoons every day, so you can imagine seeing the min real life—flesh and blood—is a great deal funnier than seeing them in print. Especially so because there is a chorus of 25 un-

usually pretty girls to give color to the entertainment, not forgetting associate comedians and singers and a car load of gorgeous scenery. All in all, "Mutt and Jeff" is quite the best musical comedy of the year. Facts and figures prove this assertion. The largest cash receipts of the season at the box office of the Grand Opera House, New York City, was during the engagement of "Mutt and Jeff"; the record business of the season at the Manhattan Opera House, New York City was also done with "Mutt and Jeff" as the attraction and the same thing occurred at the West End Theatre in Harlem. You will understand by that that "Mutt and Jeff" is not essentially a road show, it's a city show in every sense of the word. It is simply a cyclone of good, clean, healthy laughter, with entrancing music to give one a chance to get his breath between laughs. This is the sort of entertainment tired working people need to refresh their mind for another day of toil. All classes of people have approved it as is shown by the remarkable business the play is doing from the Atlantic to the Pacific and from Canada to the Gulf of Mexico. It is the real financial and artistic musical comedy hit of the current season, therefore you must see it when it comes to the Grand. Seats are now on sale. "Mutt and Jeff" has never played to empty seats so this advice to get seats early is justified.

BLUEJACKET BREEZELETS.

Special to the Chieftain:

During the past week there has been one important business change in our town. The firm of Wilson and Howell has changed to Howell and Howell. Mrs. Thomas Wilson having retired and Mr. Carl Howell buying her interest. Carl will be remembered as the former popular editor of the Welch Watchman. The Fair store has always been one of the popular business houses of our town, and we bespeak for it under its new management the same deserved reputation.

Major F. F. Mayfield, organizer of the boys' uniform rank of Woodcraft, made a business trip to Muskogee, Vinita, and other points the past week on business connected with the organization. The organization is growing fast under the direction of Mr. Mayfield.

Last Friday and Saturday was Blue-jacket day in Vinita, about forty of her citizens being in attendance during those two days at district court. It is not often that our people have to go to the county capital to settle their trouble.

Mrs. F. F. Mayfield and son Robert, were at Welch Saturday night attending a camp convalesce of the Royal Neighbors.

Fall plowing is in evidence this season in every direction from Blue-jacket, and we suspect that the same is true in all parts of the country. This means added prosperity for our farmers next year. Let the good work go on.

Rev. J. A. Grimes, the new Methodist minister has moved to his charge at Bluejacket and will preach his first sermon Sunday.

PROTEST AGAINST PAYING EMPLOYEES

Senator Russell Asks the State Auditor to Turn Down All Warrants—All Up in the Air.

Oklahoma City, Dec. 9.—Senator Campbell Russell, president of the People's Power league, filed a formal protest with State Auditor Leo Meyer Saturday against the payment of salary vouchers to sixteen chief employees of the state board of agriculture. In his letter to the auditor, he says that it is important that the state treasury and the people of Oklahoma "be protected from the other 'branch' of the 'late lamented' (?) board."

Senator Russell's action follows another shake-up in the department of agriculture, in which President G. T. Bryan took occasion to reverse the recent action of the old board of agriculture in dismissing certain employees. Those who were dismissed, President Bryan put back to work, and discharged others who had been appointed. He based his authority upon an opinion of Attorney General West that the old board of agriculture ceased to exist after November 5.

The several employees of the board who have been most often discharged and hired again are becoming somewhat bewildered. One day they hold a job; next day have none; then the third day find themselves back on the job again, and always fired by some unexpected somebody and hired by someone they had not supposed had the authority.

Senator Russell's letter is as follows:

"Section 12, Snyder, says (referring to the president of the state board of agriculture): 'He shall be the executive officer of the board, and in the absence of the board, shall, subject to its approval, perform all duties imposed by law upon it.'"

"The board is now 'absent' to remain 'absent' until January 15. Any action taken by the 'executive officer' during this 'absence' of the board must be subject to approval or disapproval of the board upon its 'return' from the present (forced) vacation."

"I note in the morning paper that this 'executive officer' has 'claimed to his chair'—incommunicado—the superintendent farmers' institute 'until after January 15'—subject to the action of the board on its 'return' from vacation; this for the alleged reason that the said superintendent is endeavoring to use his office in support of one 'branch' of the 'late lamented' (?) board."

"Now, it is equally important that the state treasury and the people of Oklahoma be protected from the other 'branch' of the 'late lamented' (?) board."

"To that end, I hereby formally protest, as a citizen and taxpayer of this state, against the acceptance of any voucher, or the issuance of any warrant, by you as auditor of this state for any service alleged to have been rendered or any expenditure incurred (as employees of said board) by A. F. Howe, D. S. Woodson, Ed Stinnett, J. C. Elliott, J. W. Dotts, A. B. Silver, Manus, O. C. Paris Persewell, R. D. McManus, O. C. Harper, J. H. Persinger, E. H. Myers, W. S. Spencer, W. S. Cannon, John Hendley and Roscoe Cox, until the employment, or re-employment of such above named parties shall have been submitted to and 'subjected to the approval of a state board of agriculture, legally organized and in session, as provided in section 12, above quoted."

"Please take due notice and govern yourself accordingly."

Miss Katie Skillman arrived last Saturday night from Rockville, Mo., for a visit with Miss Grace Hall.

The executive board of the North-east Oklahoma Association of Baptists is in session today at the Baptist church. The employment of a missionary is under consideration.

Written bids will be received by the city clerk for making approaches to bridge located at Third and Sequoyah avenue. Bids to cover all cost. By Order of Special Improvement Committee.

Mrs. Joe Maytes died at her home at Okone last night. The funeral will take place from the residence Tuesday afternoon and the interment will be at the Carselow cemetery. Deceased leaves a husband and seven children, and three brothers and three sisters.

POOR LO TALKS HISTORY

Close Student of Human Progress Rejoices Over Conditions.

Oklahoma City, Dec. 8.—"My good friend: I got your letter bout that board o' Agriculture—I vote it agin that Board alright. I dont seen it good that Board dun no how. Once I ast it big lawyer in town what for we had it that Board? and he say we need it that Board to run it farm school, and point it meat inspector, and put it out o' business that bull tick."

"Now I been watch it that Board bout two years, and seem like bull tick he all time get worse; meat inspector he aint help fat a hog nun when acorn crop aint good; and that Board, seem like he all a time what you call it grafter;—then dun spile it up a reputation too, that school gal teacher."

"I get it that VOLUM SIX CAT and that what you call him PRIMER. My ole woman he jus laf, an laf, when he read it that PRIMER and see it that Board Cat all tied up for business—he say aint need it a bit o' boot leg. He say he wish he had it vote this election,—he sho fix it one that Cat."

"My ole woman he cook brekfus soon on lection mornin, and I me Hurry up, and go cut it that Cat, out the treasury in the Treasury—just any whar we fin him. Then I hully to votin house and tack it up that SIX CAT and that Primer long side ballot sample, just like you write me; then I st-a-u around a-l day, an when voter read it ballot sample, I say, Look like you end read it PRIMER too; then he nd read it PRIMER and laf and go vote."

"When nite cum seem like purty neat every mans, our box, stamp it under a rooster and over a CAT; then we all say 'Heap Bully' and shoot it lots of anvil an holler 'LET A PEOPLE RULE' till purt near get it hoarse."

"Then when lections all over we read in paper how that Woodrow Wil-

son he sweep it the hole country; that Bob Owen, he sweep it Uglahoma, and that Huckleberry Bill he pile it up good majority for rainy day, and that land slide it all over a cat in every county, then we shake a hans kind a long and kind a hard, and say kind a glad and kind o' solem, "THE PEOPLE IS A RULE."

"The we all glad that good mans what no bout that Board vote him out o' business. Now I read it in a paper how a Spierior Judge in big Capital town give it injunction that Board, to stop count it peoples vote—seem like white mans he stand it heap dam foolishness bout hes court house—maybeso PEOPLE aint a RULE it much after all."

"I stamp it under a rooster and lect it that Woodrow Wilson, but maybeso goin to lose it that vote to—my Post Master he hate to give it up hes job; he say maybeso he get it Peace Justice give it him injunction ginst that Woodrow Wilson."

"I read it my ole woman all bout that injunction, and he say HUH! and grab it switch an drive ole Tom out hes farm place hind a stove. He aint say no more, and I aint say much when hes eyes snapplike that, but I bet hes wishin' sum body uz a man."

"Your ole frin. "POOR LO."

Best Show of Season.

"The Shepherd of the Hills," at the Grand Saturday night, was without question the best show that has visited Vinita this season, and in the judgment of many is the equal of any that has ever been produced in this city. The cast was unusually large for a drama and every member was a star. The story of "The Shepherd of the Hills," is laid in the Ozarks and is familiar to nearly every one in Vinita. It is the dramatization of the popular book of that name and its great human interest that made the book one of the "best sellers" also makes the drama one of unusual interest. The only regrettable thing about the show Saturday night was that more of the people of Vinita did not see it. This was one of the plays that one is better for having seen.

Fred Ratcliff was here yesterday from Tulsa visiting his parents, Mr. and Mrs. E. N. Ratcliff.

CAMPBELL RUSSEL IS CALLED DOWN

Editor Chieftain: In your issue of the 7th of December, is a report of a speech by Senator Campbell Russell. The senator is supporting the resolution of Senator Thompson for an investigation of the expenditures of the contingent funds allowed state officers, is reported as speaking as follows:

"Right now men are traveling around the state organizing a lobby to attend the legislature, and paying their expenses out of the contingent funds of one department."

Mr. Editor, do you know Senator Russell? Is his word worthy of credence, or is he merely a traducer of character? Does the senator not know that he is charging a state officer with a felony, and that if he is guilty, he ought to be, and doubtless will be, impeached, and prosecuted for his very serious offense? Just reflect for a moment of the senator's charge. "Right now men are traveling around the state organizing a lobby, to attend the legislature."

Who of us believes that an honest lobby, assemblies for an honest purpose, and for the purpose of lobbying with an honest legislature, for the passage of an honest measure? Will the history of lobbies justify us in thinking so? If any credence can be placed on the statement of Senator Russell this lobby is being formed at state expense and for some unholy purpose, as they seem to be unwilling to trust the people with their secret.

Or does the senator wish also to charge that the columns of the honest newspapers are closed to an honest discussion of the honest needs of the honest people of Oklahoma?

Now if the charge of Senator Russell is not true nothing less than expulsion from the senate and prosecution will vindicate the character of our senators and state officers. What will be done? READER.

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